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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,254	06/26/2003	Victor George Dix		4487

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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT PAPER NUMBER

3676

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,254

Applicant(s)

DIX, VICTOR GEORGE

Examiner

Suzanne Dino Barrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elongate member formed of two discrete pieces, as set forth in claim 11, and being collapsible, as set forth in claim 12, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: in Figs. 46 and 47, numerals 7 and 11, as discussed on page 19, line 10-13. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because in lines 1 and 12, it is unclear if "The Big-Un" is a trademark, and if not, is grammatically incorrect; in line 3, the use of the word "invention" is objectionable; in line 13, "problem a" should be —problem. A--; the last three lines should be deleted as they appear to be redundant, or should be merged into the previous paragraph, since the Abstract should only be in one paragraph form. Correction is required. See MPEP § 608.01(b).

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4. The disclosure is objected to because of the following informalities: on page 1, the box including the "title", "inventor", "address", "citizenship", etc should be deleted; on page 2, line 13, after "alarms", delete "is", in the last line, delete the comma after "to" (first occurrence); on page 5, line 6, "The" should be changed to --In the--, line 7, after "simultaneously", insert --to--, page 11, line 3, after "receive", insert --a--, line 8, after "apertures" insert --of-- and after "member", insert a comma, line 9, after "pass", insert a comma, line 17, change "at" to --as--, page 12, lines 2,5,6, "maybe" should be --may be--, line 13, after "elongate" insert --member--, page 15, line 13, change "Member" to --member--, page 18, line 5, delete "is" (before "locked"), line 11, change "cover4" to --cover-- and change "c Lamps" to --clamps--, line 13, change "elonfate3" to --elongate--, line 17, change "sand" to --and--, line 20, before "elongate", insert --the--, page 19, line 5, "28 and 29" appear to be --34 and 35-- in Fig. 35-38, also, "27" appears to be --33,36--, line 11 and 13, the reference numerals "7" and "11" are not labeled in Figs. 46 and 47 as disclosed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Vito 6,490,897 and under 35 U.S.C. 102(b) as being clearly anticipated by either Fain 4,304,110 or Pearson 4,819,461 or Roberts 4,582,176 or Brown 4,094,173.

It is noted that the intended use of the device on a pedal is not accorded patentable weight since the structure is not sufficiently interrelated with the function in claim 1. Furthermore, the clearly anticipated structure of the cited prior art would be capable of performing the function and intended use as recited.

8. Claims 1-9,11,19,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Farrow 4,696,172.

Farrow clearly teaches an elongate member 12/15/17 having apertures 18 to receive a U-shaped locking member 29, with a containing element 19 integral with the elongate member. Farrow teaches the containing element surrounding a pedal and the opposite end of the elongate member extending through an aperture in a steering wheel (fig.1). With respect to claim 5, the recitation of the

limbs being positioned a certain way is considered intended use of the device and not accorded patentable weight.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 16,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vito '897 or Fain '110 or Pearson '461 or Roberts '176 or Brown '173.

While the length of the cited elongate members are not specifically disclosed, it would have been obvious to one of ordinary skill in the art that the distance between a pedal and steering wheel would be approximately 1 meter such that to provide the device of the cited patents with a length within a known suitable range for the intended use would have been considered an obvious matter of design choice.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrow '172 in view of Vito '897.

Vito clearly teaches having the lock 54 integral with the elongate member 18. It would have been obvious to one of ordinary skill in the art to modify the lock of Farrow by making the lock 29 integral with the elongate member as taught

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by Vito as an obvious matter of design choice in facilitating usage by having the least amount of separable parts.

12. Claims 12,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrow '172 in view of Alicea 5,724,838.

Alicea teaches a locking device for steering wheels comprising collapsible folding sections. It would have been obvious to one of ordinary skill in the art to modify the elongate member of Farrow by providing folding sections as taught by Alicea so as to be easily stored.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrow '172 in view of Rekemeyer 6,058,749.

Rekemeyer teaches a similar locking device between a pedal and steering wheel comprising an elongate member of telescoping sections. It would have been obvious to one of ordinary skill in the art to modify the device of Farrow by providing telescoping sections for the elongate member so as to be collapsible and easily stored.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrow '172 in view of Alicea '838 as applied to claims 12,14,15 above.

It is further noted that the specific length of the folded state is not disclosed, however, it would have been obvious to one of ordinary skill in the art to provide a collapsed length within the suitable range for storage capabilities.

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Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the locks of Russ et al '391, Ludeman '823, Chen '793, Davis '131, Pariser '409, Ross '336, Michnoff '646, Zaidener '090, Farshad '233, Cote '416, especially.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 703-308-0825. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Suzanne Dino Barrett
Primary Examiner
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